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FILED
 UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF CALIFORNIA

2008 AUG 27 AM 11:00

'08 MJ2637

UNITED STATES OF AMERICA,

Plaintiff,

v.

Ramon AVALOS-Perez,

Defendant

Magistrate Docket No.


COMPLAINT FOR VIOLATION OF:

Title 8, U.S.C., Section 1326
 Deported Alien Found in the
 United States

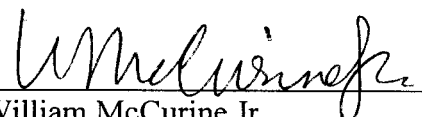
The undersigned complainant, being duly sworn, states:

On or about **August 26, 2008** within the Southern District of California, defendant, **Ramon AVALOS-Perez**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


 SIGNATURE OF COMPLAINANT
 James Trombley
 Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 27th DAY OF AUGUST, 2008.


 William McCurine Jr.
 UNITED STATES MAGISTRATE JUDGE

8/26/08

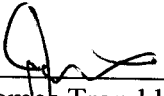
**CONTINUATION OF COMPLAINT:
Ramon AVALOS-Perez**

PROBABLE CAUSE STATEMENT

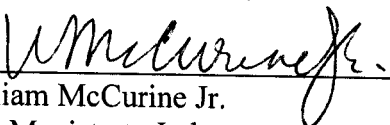
On August 26, 2008, Border Patrol Agent B. Holmes responded to a seismic intrusion device Northeast of the Tecate, California Port of Entry. Agent Holmes arrived in the area and found fresh footprints on a trail. Agent Holmes followed the footprints until he encountered four individuals attempting to conceal themselves in some brush. Upon encountering the four subjects, Agent Holmes immediately identified himself as a United States Border Patrol Agent and questioned each subject as to their citizenship and immigration status, including one later identified as the defendant, **Ramon AVALOS-Perez**. All four subjects including the defendant freely admitted to Agent Holmes to being citizens and nationals of Mexico without any immigration documents to enter or remain in the United States legally. At approximately 5:30 a.m., all subjects, including the defendant, were arrested and transported to the Border Patrol Station in Campo, California for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico on September 1, 2006 through San Ysidro, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda rights. The defendant stated that he understood his rights and was willing to answer questions without an attorney present. The defendant admitted that he is a citizen and national of Mexico illegally present in the United States. The defendant further admitted that he had been previously deported from the United States and has not applied or requested permission to re-enter the United States legally.



James Trombley
Senior Patrol Agent



William McCurine Jr.
U.S. Magistrate Judge

8/27/08
Date